

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

KARINA MICHELLE GUEVARA,

Defendant.

CASE NO. 8:11CR135

ORDER

This matter is before the Court on the Defendant's motion for leave to proceed on appeal in forma pauperis (Filing No. 207), filed under Federal Rule of Appellate Procedure 24(a). The Defendant, who was represented by retained counsel in this Court, has filed a notice of appeal. (Filing No. 206.) The motion includes an affidavit regarding the Defendant's financial status (Filing No. 208). The affidavit makes little sense, in that it indicates that the Defendant's spouse has had average monthly income of \$27,000 during the last twelve months, yet the Defendant and spouse have virtually no money or other assets, according to the affidavit. The Court will assume for purposes of the pending motion that the Defendant's spouse's average monthly income as declared in the affidavit actually reflects average *annual* income, and will direct the Defendant to file an amended affidavit. The Defendant is also cautioned that she will be responsible for payment of the filing fee for the appeal if it is later determined that she had the ability to pay the fees and costs.

IT IS ORDERED:

1. The Defendant's motion for leave to proceed on appeal in forma pauperis (Filing No. 207) is provisionally granted;

2. The Defendant is directed to file an amended affidavit or an affidavit verifying the information reflected on her original affidavit, if true; and
3. The Clerk is directed to mail a copy of this order to the Defendant at her last known address.

DATED this 1st day of March, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge